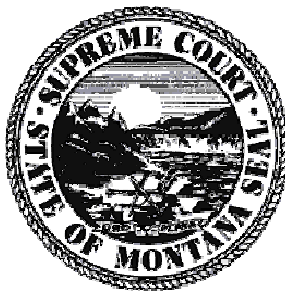


FILED

September 30 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

RICHARD ALLAN PAYNE
ATTORNEY AT LAW
44 W 6TH AVE STE 200
PO BOX 1185
HELENA MT 59624-1185

September 30, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

Notice of Cross Appeal was filed on September 28, 2009 and docketed under the above Supreme Court case number.

PLEASE NOTE the time for filing the appellant's opening brief has NOT yet begun. Another notice will be sent when this office receives the district court record, the filing of which initiates the briefing schedule pursuant to the Montana Rules of Appellate Procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

CYNTHIA D BROOKS
ATTORNEY AT LAW
DEPT OF ENVIRON QLTY
PO BOX 200901
HELENA MT 59620-0901

September 30, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

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v.

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Defendant and Appellee.

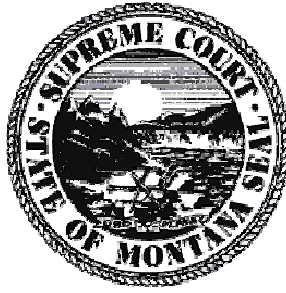
Notice of Cross Appeal was filed on September 28, 2009 and docketed under the above Supreme Court case number.

PLEASE NOTE the time for filing the appellant's opening brief has NOT yet begun. Another notice will be sent when this office receives the district court record, the filing of which initiates the briefing schedule pursuant to the Montana Rules of Appellate Procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Brooks", is written over the "Sincerely," text.

ED SMITH
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

LEO BERRY
ATTORNEY AT LAW
825 GREAT NORTHERN SUITE 105
PO BOX 1697
HELENA MT 59624-1697

September 30, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

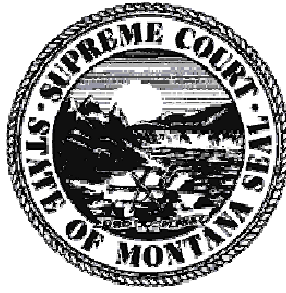
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Sincerely,

A handwritten signature in blue ink, appearing to read "J. Berry", is written over the "Sincerely," text.

ED SMITH
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

PAUL J LAWRENCE
ATTORNEY AT LAW
KL GATES
925 4TH AVENUE SUITE 2900
SEATTLE WA 98104-1158

September 30, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

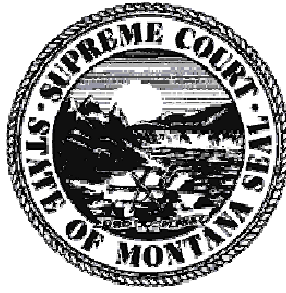
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Sincerely,

A handwritten signature in blue ink, appearing to read "J. Lawrence", is written over a horizontal line.

ED SMITH
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

MARC G BUYSKE
ATTORNEY AT LAW
44 W 6TH AVE STE 200
PO BOX 1185
HELENA MT 59624-1185

September 30, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

Notice of Cross Appeal was filed on September 28, 2009 and docketed under the above Supreme Court case number.

PLEASE NOTE the time for filing the appellant's opening brief has NOT yet begun. Another notice will be sent when this office receives the district court record, the filing of which initiates the briefing schedule pursuant to the Montana Rules of Appellate Procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. L. Buyske", is written over the "Sincerely," text.

ED SMITH
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

CHAD E ADAMS
ATTORNEY AT LAW
825 GREAT NORTHERN SUITE 105
PO BOX 1697
HELENA MT 59624-1697

September 30, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

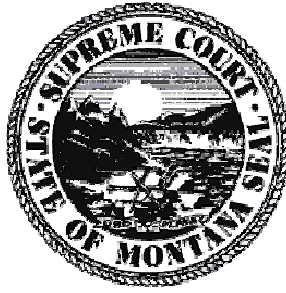
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PLEASE NOTE the time for filing the appellant's opening brief has NOT yet begun. Another notice will be sent when this office receives the district court record, the filing of which initiates the briefing schedule pursuant to the Montana Rules of Appellate Procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chad Adams", is written over a horizontal line.

ED SMITH
Clerk of the Supreme Court



**IN THE SUPREME COURT OF THE STATE OF MONTANA
THE OFFICE OF THE CLERK OF SUPREME COURT
HELENA, MONTANA 59620-3003**

NANCY SWEENEY
CLERK OF DISTRICT COURT
PO BOX 158
HELENA MT 59624-0158

September 30, 2009

RE: District Court Case No: BDV 04-596

NOTICE OF FILING

Supreme Court No.
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY,

Defendant and Appellee.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH

Clerk of the Supreme Court